

UNITED STATES OF AMERICA

V.

FRANKLIN DEEL.

Defendant.

Case No. 2:03CR10017-1

OPINION

By: James P. Jones
United States District Judge

On July 25, 2003, defendant Franklin Deel was sentenced to 188 months' imprisonment. On January 10, 2005, following an evidentiary hearing, Deel's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 was denied by the court. *Deel v. United States*, No. 7:04CV00422 (W.D. Va.), *appeal dismissed*, 159 F. App'x 515 (4th Cir. 2005) (unpublished). More than ten years later, Deel has filed another Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 based on a change in case law. Because Deel has not shown that the United States Court of Appeals for the Fourth Circuit has authorized him to file a successive § 2255 motion, the § 2255 motion must be dismissed sua sponte without prejudice as successive pursuant to 28 U.S.C. § 2255(h).

DATED: April 21, 2016

/s/ James P. Jones

United States District Judge